

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: TERRY CHARLES POLITO APRIL  
CAROLYN POLITO

Debtor(s)  
CHAPTER 13 TRUSTEE  
Movant

CHAPTER 13

CASE NO: 5-20-02330-RNO

vs.

TERRY CHARLES POLITO APRIL  
CAROLYN POLITO

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on March 12, 2021, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on September 19, 2020.
2. A hearing was held and an Order was entered on December 2, 2020 directing that an amended plan be filed within sixty (60) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

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**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:   TERRY CHARLES POLITO  
          APRIL CAROLYN POLITO

CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 5-20-02330-RNO

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
Courtroom #2  
197 S. Main Street  
Wilkes Barre, PA

Date: April 7, 2021

Time: 09:30 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: March 12, 2021

**UNITED STATES BANKRUPTCY COURT  
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IN RE: TERRY CHARLES POLITO  
APRIL CAROLYN POLITO

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE

CHAPTER 13

Movant

TERRY CHARLES POLITO  
APRIL CAROLYN POLITO

CASE NO: 5-20-02330-RNO

Respondent(s)

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on March 12, 2021, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

BRADLEY W WEIDENBAUM, ESQUIRE  
PO BOX 721  
BRODHEADSVILLE, PA 18322-

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

TERRY CHARLES POLITO  
106 PEGGY LANE  
KUNKLETOWN, PA 18058-7728

Served by 1<sup>st</sup> Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: March 12, 2021

Respectfully,  
Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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CHAPTER 13

CASE NO: 5-20-02330-RNO

Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.